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Sexual Violation, Feminism, and Foucault: Against a Confessional Politics of Truth

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SEXUAL VIOLATION, FEMINISM, AND FOUCAULT: AGAINST A CONFSSIONAL
POLITICS OF TRUTH

by

AMBER CHIACCHIERI

A master's thesis submitted to the Graduate Faculty in Liberal Studies in partial fulfillment of the
requirements for the degree of Master of Arts, The City University of New York

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This manuscript has been read and accepted for the Graduate Faculty in Liberal Studies in satisfaction of the thesis requirement for the degree of Master of Arts.

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ABSTRACT

Sexual Violation, Feminism, and Foucault: Against a Confessional Politics of Truth

by

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After many decades of feminist struggle, victims of sexual violation finally have the (relative) freedom to speak about their experiences in different venues to diverse audiences; however, they continue to be silenced, spoken over, and spoken for. While scholars and activists maintain close attention to the content of what survivors say and the means by which their speech is suppressed, there is less interrogation into the power relationships that structure the conditions through which this speech is made possible. This approach, sometimes referred to as “Foucauldian discourse analysis,” is associated with the French post-structuralist philosopher Michel Foucault. Foucault argued that hegemonic discourses about the self in modern societies are largely formed through institutionally regulated, confessional speech. Confession occurs when a subject utters a “true” statement about herself out of a sense of duty. Foucault poses confession as the inverse of critique. In confession, the task for the subject is to name what exists, so what exists can be analyzed and deciphered in intricate detail and its hidden aspects can be illuminated. In critique, identifying what exists is only a door that opens to the more important political task of historical investigation into its conditions of emergence and its potential for transformations. I argue that within American discourse, victims of sexual violation are systemically encouraged to adopt a mode of self-expression that is excessively confessional and insufficiently critical. Victim speech in America is

largely mediated by legal, clinical, and media norms of veridiction that often discourage, rather than prompt, critical reflection and theoretical elaboration. To counteract this problem, I propose prioritizing the creation of alternative discourses for victims that evade or subvert these institutional norms.

TABLE OF CONTENTS

ABSTRACT	iv
INTRODUCTION	1
LITERATURE REVIEW.....	4
PART ONE: FOUCAULT	
Foucault and Discourse.....	7
Foucault and Embodiment.....	14
PART TWO: CONFESSIONAL DISCOURSE	
Legal.....	23
Clinical.....	28
(Social) Media: #metoo.....	36
CONCLUSION.....	46
BIBLIOGRAPHY.....	49

INTRODUCTION

There is not one but many silences, and they are an integral part of the strategies that underlie and permeate discourses.

—Michel Foucault, *The History of Sexuality Vol. 1*, 27

There are very few human beings who receive the truth, complete and staggering, by instant illumination. Most of them acquire it fragment by fragment, on a small scale, by successive developments, cellularly, like a laborious mosaic.

— Anais Nin, *Journals of Anais Nin Volume 3*, xiv

Even though women of color set the precedent for systematic critiques of sexual violation in the United States before the civil rights movement (McGuire) it was not until the late 1960s, during the second-wave feminist movement, that sexual violation was finally recognized as a serious problem in America. Against a backdrop of near silence, survivors formed a discourse around this issue through consciousness raising and political activism, bringing conversations about gender inequality and sexual injustice out of the margins of the “personal sphere” and into the political mainstream. Today, in the heat of #metoo—a movement initiated by the black social justice activist, Tarana Burke, but popularized by mostly white celebrities—survivors continue to lead the movement with revelations of violation and demands for justice.

It is disheartening that sexual violation continues to occur in staggering rates across diverse quarters—from the domestic sphere, to prisons, to college campuses, to corporate offices, to Hollywood—but the determination of survivors and their ever-readiness to speak against power is inspiring. After many decades of feminist struggle, victims finally have the (relative) freedom to speak about their experiences in different venues to diverse audiences; however, they continue to be silenced, spoken over, and spoken for.

Scrutinizing the speech of victims is crucial because movements against sexual violation emerge precisely from their voices. Yet, while scholars and activists maintain close attention to the

content of what survivors say and the means by which their speech is suppressed, there is less interrogation into the power relationships that structure the conditions through which this speech is made possible. This approach, sometimes referred to as “Foucauldian discourse analysis,” is associated with the French post-structuralist philosopher Michel Foucault.

In Foucault’s philosophy, *discourse* refers to a way of communicating and representing reality that both maps out the parameters of what can appear as valid, meaningful or true, and charts associated possibilities for being in the world. Discourse is produced not by the dictates of a transcendent reality but by a socio-historically situated grid of meanings that render certain modes of expression intelligible (i.e., scientific) and others unintelligible (i.e., mad). Pursuant with post-structuralism and postmodernism, on this account, language constitutes rather than simply represents knowledge and subjectivity.

Foucault’s approach to discourse suggests that to understand the meaning of speech, we need first to consider the context of the speaking situation, including the social position and status of participants and the arrangement of speakers and listeners. We need to account for the role of institutions in posing subject positions and consider the complicated feedback loop that exists between the way we speak and the way meaning is generated out of our speech. Although speech is always enabled and constrained in unequal ways, and no domain of speech is perfect, some are clearly preferable to others.

An overarching theme in Foucault’s scholarship is that we cannot discover the truth about what we are without discerning how opportunities for discovering the truth about what we are become possible. In *The History of Sexuality Volume One (hereafter referred to as Sexuality One)*, he claims that modern societies are riddled with confessional structures that make us believe the former task is superior to the latter.

Confession occurs when a subject utters a “true” statement about herself out of a sense of duty. Foucault poses confession as the inverse of critique. In confession, the task for the subject is to name what exists, so that what exists can be analyzed and deciphered in intricate detail and its hidden aspects can be illuminated. In critique, identifying what exists is only a door that opens to the more important political task of historical investigation into its conditions of emergence and its potential for transformations. Confession is scientific and objective; it is rooted in Enlightenment ideas about the transcendence of knowledge and the transparency of facts. Critique is philosophical and political. It grows out of a skeptical attitude and is concerned with the incommensurable, the imprecise, the contingent, the not-now or the not-yet possible. Confession is geared toward practices of governmentality: regulation, normalization or homogenization. Critique makes disruption and disobedience possible as it exposes the power relations that exist between those who produce knowledge and those who are subjected to it. Foucault makes the case that confessional practices, particularly those pertaining to sexuality, have become omnipresent in Western cultures because they accommodate hierarchical structures but can be represented by the language of freedom.

In this paper, I argue that that within American discourse, victims of sexual violation are systemically encouraged to adopt a mode of self-expression that is excessively confessional and insufficiently critical. Victim speech in America is largely mediated by legal, clinical, and media norms of veridiction that often discourage, rather than prompt, critical reflection and theoretical elaboration. To counteract this problem, I propose prioritizing the creation of alternative discourses for victims that evade or subvert these institutional norms.

I begin this thesis with a brief literature review of the existing scholarship on sexual violation and discourse. In the next section, I mine the rich theoretical insights of Foucault’s post-structuralism for my project and then address the limitations of it from a phenomenological

perspective. I argue that we should address the philosophical problem posed by widespread sexual violations at the interface between feminist phenomenology and Foucauldian post-structuralism. In the proceeding pages, I examine the role of legal, clinical, and media institutions in shaping the way victims speak and think about their experiences, and I explore avenues for the articulation of alternative discourses.

LITERATURE REVIEW

Existing literature on the speech of victims of sexual violation is produced primarily by researchers working in the fields of psychology, criminology, and sociology (Heberle & Grace, 3). This research generally focuses on the social and psychic forces that prevent victims from speaking about violation or prevent victims from experiencing violation as violation, such as social stigma, shame, and self-doubt. One can also find much of the scholarship on this topic within political science, but the focus here is on legislative, juridical, or policy reform. Generally, within these traditions, power is implicitly framed as negative. Emphasis is placed on the dismissal, denial, restraint, or invalidation of speech. My task is somewhat different because I apply the conceptual tenets of post-structuralism to examine the positive role of power in producing, organizing, and normalizing speech.¹

My project contributes to the expansion of critical theoretical discourse on sexual violation, a topic that is arguably undertheorized from a philosophical perspective. There are several possible explanations for this. Women comprise the majority of sexual violation victims, and while women are relatively well represented in the fields of psychology, criminology, and sociology, they are

¹ I do not mean to imply that repression exists in a binary opposition to production. Only that shifting the focus from one mechanism to the other entails grappling with different issues. I will discuss this in more detail in the section on Foucault and discourse.

vastly underrepresented in philosophy (Anthony). Also, sexual violation is a corporeal phenomenon and Western philosophy has developed as a discipline concerned primarily with abstract ideas and concepts. Traditionally, philosophers have tended to either ignore the body or treat it as lacking the explanatory power of the mind. In the *Dialogues*, the body is described by Plato as an “oyster shell,” a “prison,” and a “tomb,” suggesting that the body can only inhibit, rather than generate, insight (McGahey, 103). In a similar vein, Descartes famously proclaimed, “I think therefore I am,” conveying the idea that the mind, not the body, is the seat of human identity and knowledge.

The body is now granted more significance in philosophy due to new interdisciplinary trends in the academy. Fresh styles of inquiry, such as phenomenology and feminist epistemology, have heightened our awareness of the role of the body in shaping consciousness. At the same time, these traditions remain marginalized, at least within the analytic tradition, which is the dominant school of philosophy in America.

The topic of sexual violation and discourse has stimulated some attention within philosophy, primarily within the continental tradition, but it is controversial. According to Mardorossian, in *Framing the Rape Victim: Gender and Agency Reconsidered* (2014), postmodern feminist approaches to sexual violation seem unable to “tackle rape and anti-rape politics...in any other way than in the psychologizing and victim-blaming terms that have dominated hegemonic approaches to gendered violence in contemporary culture” (747).

Mardorossian may have in mind essays such as Sharon Marcus’s “Fighting Bodies, Fighting Words: A Theory and Politics of Rape Prevention,” (2002). In this paper, Marcus suggests that the “apocalyptic tone” associated with sexual violence plays a significant role in constituting the psychic trauma of rape. She suggests that the female experience of rape is socially scripted because the fear and helplessness women experience during rape is a form of social sexing that

immobilizes victim resistance and impels women into a sexual identity based on “violability.” Thus, Marcus supports “a shift of scene from rape and its aftermath to rape situations themselves and to rape prevention” (387). She proposes using less extreme language when talking about rape and shifting our focus away from an emphasis on trauma towards resistance. However, as Linda Alcoff comments in response to Marcus, the apocalyptic tone seems warranted given the global scope and the severity of the problem, and perhaps it is not the experience of rape that is scripted but the avenues of response available to survivors (*Rape and Resistance*, 66).

In *Rape and Resistance*, Alcoff integrates post-structuralist and phenomenological insights with feminist, critical race, and postcolonial research to stake out an argument in favor of the “epistemic authority” of survivors. By analyzing how the speech of victims is routinely “co-opted” to serve antifeminist agendas, she engages critically with the speech of victims and the speech of advocates without leveling undue criticism in the wrong direction. My project is an elaboration of the concepts put forward in this book. My distinct contribution involves taking a microscope to confessional mechanisms of speech within specific discursive domains.

Inspiration for this project also derives from Ann Cahill’s phenomenological study of sexual violation in *Rethinking Rape*; Susan Brison’s autobiographical exploration of the role of embodiment, narrative and relationality in shaping the self after (sexual) trauma in *Aftermath*; Nicola Gavey’s investigation into the relation between heteronormative sex and sexual violation in *Just Sex? The Cultural Scaffolding of Sex*; and the collection of philosophical essays edited by Renée J. Heberle and Victoria Grace in *Theorizing Sexual Violence*. The diversity of perspectives and approaches applied to the topic of sexual violation in the latter collection does justice to the critical complexity of this issue. This paper also stems from my own experiences with sexual violation, the lack of solace I have been able to find in the support of traditional modalities, and the difficulties I continue to face when trying to talk about and make sense of my experiences.

PART ONE: FOUCAULT

Foucault and Discourse

More than three decades after his death, Michel Foucault's reflections on subjectivity, sexuality, power, and truth continue to galvanize feminist scholarship. However, his work lacks direct engagement with the distinct social and political problems that women face, so feminists tend to transfigure, rather than simply reproduce, his philosophy. Yet, even as a catalyst, Foucault is not a popular figure within anti-sexual violation scholarship due to his rare and insensitive commentary on the topic² and his position as a post-structuralist, which some consider incompatible with a feminist approach to sexual violation as rooted in an understanding of bodily experience.³

In my view, Foucault is instrumental to, although certainly not sufficient for, resisting cultures that foster sexual violation. His insights regarding discourse, power-knowledge and the role of institutions in structuring social relations is relevant, specifically as the problem of sexual violation has recently become hyper-visible through the #metoo movement. In this essay, I show that Foucault's unique approach to post-structuralism is compatible with a feminist approach to theorizing and resisting sexual violation, albeit with a few amendments.

Foucault's socio-historical ontology of the self is generally compatible with that of a feminist perspective. He depicts the self as immanent, contingent, and political, rather than transcendent, natural, or objective. For Foucault, there is no stable rational self that pre-exists the historical production of subjectivity. Both our experiences and our capacity to understand them

² In *Sexuality One* and in his *Abnormal Lectures*, he notoriously trivialized the sexual violation of Sophie Adam by Jouy. Also, during a roundtable discussion, he suggested legally equating rape with nonsexual forms of violence, which I will discuss in the upcoming section on "Foucault and Embodiment."

³ See Ann Cahill and Mary E. Hawkesworth.

emerge from what he calls the “historical a priori.” To elaborate on this point, we may look to Foucault’s account of experience as made possible by various interrelated phenomena: episteme, domain of knowledge, form of normativity, power/knowledge, regime of truth, and technology of the self.

Episteme refers to an overarching knowledge system, such as Western science or Christian theology, that produces objects of study, organizes information, and renders competing explanatory accounts of the world and the human condition intelligible. *Domain of knowledge* refers to a specific schema of assessment and interpretation, such as psychiatric or legal. *Form of normativity* refers to a socially sanctioned way of being that regularizes the conduct of a diverse population. Through normalizing procedures, subjects are both homogenized and individualized according to their position relative to benchmarks against which they are qualified, classified, judged, and ranked (*Discipline and Punish*, 184). For instance, in Western societies, citizens with different chromosomes are divided into two gender categories, assigned distinct and complementary social and sexual roles, and judged based on an ideology of sexual dimorphism. Foucault argues that because modern societies are insufficiently critical and hyper-normalizing, standardized and highly regulated behaviors have become naturalized.

For Foucault, truth, at bottom, is *genealogical*, meaning: Theoretical foundations of knowledge emerge from socio-historical relations of power. Foucault uses the term *power-knowledge* because he considers power and knowledge to be conditions for the possibility of one another. By joining power and knowledge, Foucault positions his theory of power against what he calls the “repressive hypothesis” or the popular idea that power is a “subtraction mechanism” that negates, represses, and distorts in favor of the idea that power in the modern world is primarily positive, relational, mobile—as Foucault puts it, “polymorphous”: the “multiplicity of force

relations immanent in the sphere in which they constitute their own organization” (*Sexuality One*, 94).

For Foucault, all formations of knowledge and systems of truth in the social realm are implicated in power asymmetries because they are constructed through exclusionary measures. He writes, “Truth isn’t the reward of free spirits, the child of protracted solitude; nor the privilege of those who have succeeded in liberating themselves. Truth is a thing of this world; it is produced only by virtue of multiple forms of constraint. And it induces regular effects of power” (*The Foucault Reader*, 72-73). Thus, Foucault considers power to be a necessary component of social relations and does not consider power, or even unequal power relations, to be necessarily undesirable or objectionable. Foucault delineates his theory of power to direct our attention specifically toward “intolerable” or “hegemonic” forms of power. In an interview titled “Truth and Power,” he explains that resistance to injustice does not involve “emancipating truth from every system of power (which would be a chimera, for truth is already power) but of detaching the power of truth from the forms of hegemony, social, economic and cultural, within which it operates at the present time” (*Power/Knowledge*, 131).

Foucault rejects the teleological approach to history, which poses the development of current beliefs and practices as the achievement of steadily-increasing rationality for the purpose of mining pre-modern foundations or charting narratives of progress. Instead, he favors “histories of the present,” which involve exposing the contingency of our contemporary mode of being by bringing to light alternate ways we could have been constituted in different eras, against the backdrop of different epistemes. The latter approach involves denaturalizing and mystifying—rather than valorizing or reifying—self-evident beliefs and practices, to gain critical distance from them. The main objective of Foucault’s excursions and excavations into the past are intended to

facilitate the development of critical consciousness and political motivations applicable to modern life, so we do not remain mesmerized by or captive to the current scheme of things.

Foucault refers to modern apolitical and ahistorical practices of knowing as *regimes of truth*: positivistic, globalizing or totalizing epistemological systems that appear to function independently of the power-knowledge nexus. Foucault considers the legal and psychiatric domain to be complicit with “regimes of truth” that play a particularly important role in modern governance. The scientific distinction between true (sane) and false (mad) speech reifies the authority of the psychiatrist over her patient and permits her to deem non-normative behavior pathological (read: in need of correction for the patient’s own well-being) rather than, say, simply unusual or disruptive to society. Similarly, in law, the distinction between true and false speech calcifies the epistemic authority of the judge and enables complex issues of culpability, justice, and politics to be represented in a relatively uncomplicated and uncontroversial manner suitable to courtroom dynamics.⁴ Foucault advises adopting a critical attitude toward legal and psychiatric discourses because they are posed as neutral and objective but developed for the specific task of “disciplining” large, diverse and industrialized populations. Cultivating this critical attitude is especially important, Foucault thinks, because legal and psychiatric discourses encourage subjects to develop a passive mode of self-relation through practices of institutionally-authorized modes of truth-telling.

In the second and third volume of his four-part history of sexuality series, Foucault turns away from studying the role of modern institutions in shaping subjectivity through disciplinary practices, toward an analysis of ancient Greek self-fashioning practices or what he calls “technologies of the self.” In *The Use of Pleasure*, he describes technologies of the self as “models

⁴ See Patricia Williams, Angela Davis

proposed for setting up and developing relationships with the self, for self-reflection, self-knowledge, self-examination, for deciphering the self by oneself, for the transformation one seeks to accomplish with oneself as object” (29). These technologies set the stage for the development of *problematizations* or “those intentional and voluntary actions by which men not only set themselves rules of conduct but also seek to transform themselves in their singular being” (10-11).

Foucault’s entire genealogical project could be conceived as a technology through which he attempted to formulate a critical self-relation and a political will against modern institutional and confessional norms. He says, “I write a book only because I still don’t know what to think about this thing I want so much to think about, so that the book transforms me and transforms what I think” (239). He describes his motivation for writing *The Use of Pleasure*, with these words: “Among the cultural inventions of mankind there is a treasury of devices, techniques, ideas, procedures, and so on, that cannot exactly be reactivated, but at least constitute, or help to constitute, a certain point of view which can be very useful as a tool for analyzing what’s going on now—and to change it” (*The Foucault Reader*, 349-350).

In the first and second volume of Foucault’s histories of sexuality, *The Will to Knowledge* and *The Use of Pleasure*, he engages in a history of the present through the study of traditional Christian and ancient Greek sexual norms respectively. In the following pages, I will summarize this study and explain why it is useful for the development of this project.

Within the Christian tradition, sex was permitted only within monogamous heterosexual marriage and celibacy was prized as the highest moral form of sexual conduct. For the Greeks of ancient Athens, non-procreative and extramarital sex was not perceived as necessarily morally impermissible: among this population, pederasty was common under specific conditions. According to the normative rules of conduct of this society, if two males were to engage in sexual behavior, the younger male participant was expected to play the “submissive” (read: female) role in

the sex act. This convention was not without its controversy, however. Perhaps due to the fact that women were widely considered unfit to participate in the polis in Athenian society, there was concern over whether the young male's position in the sex act (as the object of someone else's pleasure) would jeopardize his capacity for civic leadership. The general consensus was that it is permissible for an adult mentor to engage sexually with his adolescent mentee because the younger participant already occupied a submissive role in this relation. If the sexual interaction were to continue when the adolescent grew a beard (enters adulthood), the interaction would be considered unethical and degrading for him.

In the ancient Greek imagination, sex was considered a necessary but base and animalistic form of gratification akin to eating or drinking; sexual behavior was thus dictated not only by ethical ideas about the age of participants but also by a theory of temperance based on the Greek belief that the ability to master one's bodily desires correlated to one's ability to participate in political governance. Too much sexual indulgence was discouraged because it prevented citizens from expending too much "vital energy," which could be applied to more important endeavors, such as intellectual or political pursuits. Through this overview, we see that ancient Greek and traditional Christian sexual customs are distinct from contemporary sexual norms and that contemporary heteronormative practices are not necessary conditions of gendered and sexual life but have developed within specific historical and social conditions.

Amid these divergences, however, lines of continuity can also be discerned. In each historical context, subjects form ethical relations to themselves through the axis of sexuality, and power relations play a fundamental role in the constitution of sexual desire and sexual experience. While the Christian subject may relate to himself as an ethical being because he engages in exclusively heterosexual conjugal intercourse, the Greek male may do so because he engages in sexually temperate behavior with a male of the proper age. The modern Western subject may do so

because he engages in sexual behaviors that are considered healthy and normal in accordance with institutional and scientific discourses.

In ancient Greek societies, sexual standards of conduct emerge from civic (but not democratic) debate around the ethical and political meaning of sexual practices, instead of being codified and reified through religious scripture or scientific institutions. In ancient Greek society, sexual practices are not policed by surveillance mechanisms common to Christian and institutionalized societies, such as confessional practices directed to priests or psychiatrists. Foucault observes that Greek male citizens strive for self-mastery by assuming responsibility for their sexual conduct whereas Christian subjects cultivate ethical sexual conduct through self-renunciation and assimilation to the word of God. Alternatively, modern subjects seek self-revelation through the axis of sexuality by recourse to institutional regimes of truth.

Foucault considers modern modes of self-relation to be more akin to those of traditional Christians, rather than to ancient Greeks. Near the culmination of *Sexuality One*, Foucault avers that the form of sexual normativity peculiar to Western post-industrial societies, what he calls the “deployment of sexuality,” structures a particular form of the relation to the self by linking together sexuality, selfhood, and truth through a totalizing and naturalizing discourse. As we have seen, Foucault does not think desire, including sexual desire, precedes history; thus, any attempt to understand sexual desire requires genealogical interrogation. Yet, in modern Western societies, he submits, institutionalized sexual normativity produces within us the illusion of an “essential internal operating principle” based on desire and that the identification of this desire “makes us think we are affirming the rights of our sex against all power...[when] in fact we are fastened to the deployment of sexuality that has lifted up from deep within us a sort of mirage in which we think we see ourselves” (157). For Foucault, we have access to ourselves only via various socio-

temporally located configurations of power-knowledge. When we believe we have eluded this power-knowledge, our critical faculties are suspended.

In his study of ancient Greek male sexuality and subjectivity, Foucault highlights modes of self-fashioning that nourish autonomy as independence from the influence of others. In this essay, I am interested in elevating a more communal form of autonomy, what feminist scholars call relational autonomy—a form of self-relation attuned to what Ann Cahill refers to as “intersubjective meaning-making,” a mode of autonomy that is attentive to self/Other dynamics and may be most effectively cultivated through collective political action. On this approach, the freedom of the self is contingent upon the freedom of the Other. With that said, however, it is not lost on Foucault that the ancient Greek forms of self-mastery he admires are rendered possible by highly unjust power relations. What he is attracted to specifically is the way these practices can be juxtaposed with modern normative modes of self-relation in that ancient Greek self “elaboration does not take the form of a set of prohibitions or interdictions but rather as, for the individual male, a stylization of an activity in the exercise of its power and the practice of its liberty” (*The Use of Pleasure*, 23). Foucault uses his genealogy of ancient Greek male sexual subjectivity to incite what Jose Medina calls “epistemic friction,” an experience of uncertainty that occurs when we come into contact with foreign epistemological structures (281). Foucault is interested in galvanizing— rather than constituting—alternative knowledges that emerge out of this friction.

Foucault and Embodiment

In the debate between Noam Chomsky and Michel Foucault, *Human Nature: Justice vs. Power*, Chomsky argues that through an objective understanding of human nature, we can come to hold

universally-applicable principals of justice.⁵ In contrast, Foucault considers human nature merely an “epistemic indicator” that facilitates unjust modes of social control through discourses of universalism. Thus, he reasons:

It seems to me that the real political task in a society such as ours is to criticize the workings of institutions, which appear to be both neutral and independent; to criticize and attack them in such a manner that the political violence which has always exercised itself obscurely through them will be unmasked, so that one can fight against them (41).

I follow Foucault in rejecting a positivist or extra-discursive account of human nature or any straightforward association between this undemocratically-informed concept “in a society such as ours” and a universal account of justice. But Foucault’s extreme skepticism toward the narrative of human nature sometimes leads in directions I do not wish to follow.

Once during a roundtable discussion at the Collège de France, for instance, Foucault asked a group of female interlocutors, “Why isn't rape the same as a punch in the face?” and proceeded to suggest that rape should be considered a criminal physical offense of violence “and nothing but” (Henderson, 225). Foucault defended his position by proposing that “sexual” body parts are not intrinsically different from other body parts and, therefore, do not merit special attention or protection. Foucault expresses legitimate concern that if a naturalized discourse about the sexed body is codified within law, culturally-specific sexual identities and experiences may be reified in the service of social control. However, his practical suggestion—to desexualize rape within law, and the theoretical correlate that “sexual” body parts are entirely contingent—is untenable.

To grapple with the insights and blind spots associated with Foucault’s suggestion, we can look at the feminist self-help book, *The Nice Girl Syndrome: Stop Being Manipulated and Abused*–

⁵ Chomsky has since disavowed this claim as utopic.

–and *Start Standing Up for Yourself* (2014). In this book, Beverly Engel, a therapist, offers valuable advice to women about how to overcome insecurity and develop strategies of self-care in a sexist world. However, the book is billed as offering “expert advice” about how to “feel free to be your true self” (abstract). On the topic of sexual violation and gender inequality, the author implies that men naturally occupy a (sexually) dominant position relative to women because men are physically larger and because during sex, men penetrate, and women are penetrated. She explains,

Why are women so fearful? There are a multitude of reasons, many of which center around the mere fact that as females we are the “weaker” sex, at least physically. The truth is that most men are bigger and stronger than most women and, for this reason, women are often intimidated by men. We aren’t necessarily aware of this on an everyday basis, but the fear is there, nevertheless. It is similar to how a small dog feels next to a large dog. The two dogs can coexist and even play and romp with each other but make no mistake about it—the smaller dog knows her limits. She knows that if the larger dog wanted to, he could overpower her. The second factor, closely related to the size differential, is that men carry a built-in weapon they can use against women—their penis... an erect penis can be used to penetrate, harm and dominate a woman (34).

The author counsels that readers can work to overcome this innate vulnerability to violation by cultivating masculine habits of confidence and assertiveness. By representing female bodies as inherently violable and male bodies as naturally dominating, the *political* phenomenon of gender inequality is attributed to a highly abstracted and generalized representation of human nature. This approach entrenches (hetero) sexist interpretative paradigms. Atypical sexual identities, practices, and conceptions, such as homosexuality, transsexuality, intersexuality and non-genitally centered forms of sexuality do not appear to have explanatory power in this representation. Nor does this representation invite us to ponder, for instance, the significance of the fact that men have body

parts capable of being penetrated and women have body parts capable of penetrating, or the fact that the tissue of male genitalia could also be perceived as exceptionally vulnerable specifically because of its penetrative or externalized morphology. Such considerations are useful because they help us see the social and political labor that goes into creating and maintaining prevailing interpretations about sex and gender as obvious and inevitable.

Unlike phallogentric representations of the body pushed by sexist commentators, however, Engel's analysis is driven by feminist aspirations and contains insight into *what it is like to live and experience sex* in a world wherein gendered body shape and genital morphology are widely perceived according to binary categories such as vulnerability versus power. This is the part of the equation Foucault misses. Even if we acknowledge the historically contingent nature of sexuality, we still live in the here and now, which entails dealing with the effects of rape as experienced *within our world of sexed meanings*. In other words, it is too late for such revisionary measures because rape is a form of sexual violence, inasmuch as sexual norms have already enacted subjective, corporeal, and lived experiences on sexed minds, bodies, and lives.

Foucault also errs by suggesting that the penis and the fist are discursively constituted in the same way. As Alcoff writes in an article opposing adult-child sexual relations, there is a "phenomenology of sex itself, which involves uniquely sensitive, vulnerable, and psychically important areas of the body, a fact that persists across cultural differences" (Dangerous Pleasures, 127–28). It is unsurprising that the genitals and the effects they produce receive special consideration and give rise to problematizations across discursive contexts.

When Foucault proposes the legal desexualization of rape, he overestimates the power of discourses in assigning meaning to sexual experiences and overvalues the role of transformations in creating possibilities for resistance to norms. He fails to appreciate the weight of immanent social reality and its historical inscriptions in constituting gendered and sexual experiences. The challenge

of this section will be to think with and against Foucault: to account for the social and historical contingency of subjects, the materiality of the body, and the raw immediacy of experience. To address this challenge, I turn to a discussion of contemporary debates in feminist epistemology.

I start with Judith Butler's *Gender Trouble* because of its vast impact on third wave feminist philosophy. In this text, Butler disrupts the traditional ontology of sex difference by destabilizing the sex/gender distinction. She points out that in Western societies, "sex" is commonly represented as the foundational substance that precedes the theoretical construction of gender. Consequently, "sex" acts as an inaccessible point of intelligibility and investigation into its genealogy is impossible. In other words, because "sex" is thought to be grounded in a nature that precedes discourse and supersedes history, avenues of feminist inquiry into it are blocked off. Butler rejects the sex/gender distinction by arguing that discourse *precedes* embodiment and identity. She posits that "sex" is actually "gender" and that both categories refer to repetitive performances. Butler favors criticism and subversion as key strategies of feminist resistance.

Displacing embodiment as the foundation of identity unsettles presuppositions about biological essentialism, but this strategy comes with its own set of complications. As discussed in the literature review of this essay, phenomenologists have identified a trend of neglect and trivialization of the body in the history of modern Western philosophy. According to Susan Bordo, throughout this tradition, embodiment was commonly perceived as epiphenomenal/feminine, and rationality as transcendent/essential to (masculine) personhood. In this register, "that which is not-body is the highest, the best, the noblest, the closest to God" and "that which is body is the albatross, the heavy drag on self-realization." Despite fluctuations and modifications of this idea throughout modernity, Bordo argues, the "unbearable weight" of the body remained indexed to femininity (4-5). Performance theory troubles the symbolic link between the corporeal and the feminine, but it may also perpetuate the tendency to devalue the role of bodily experiences in the

formation of consciousness, identity, and knowledge. Furthermore, framing embodiment as an effect of discourse may lay the groundwork for an undesirable form of relativism. According to Linda Alcoff, “[I]n the embrace of postmodernist theorizing and the rejection of determinism, feminists have fled not only from essentialism and metaphysics but also from realism, naturalism, objectivism, and even the capacity to make truth claims (which I would define as evaluative distinctions based on epistemic and not merely strategic considerations)” (*Visible Identities*, 153-154).

Alcoff addresses difficulties posed by biological essentialism and postmodernism for feminism by incorporating phenomenology and post-structuralism into studies of gender and sexuality. She uses this approach to center embodiment in feminist analysis without lapsing into a form of essentialism that presupposes immutable identities, eternal substances, or atemporal foundations. Instead of conceptualizing discourses as antecedent to embodiment, she posits that there are pre-discursive bodily and perceptive structures that must be considered when theorizing gendered and sexual experiences. However, unlike purveyors of orthodox biological accounts of sex difference, Alcoff does not advance a deterministic ontology through a myopic fixation on biology. Instead, she takes biology into consideration alongside a consideration of the gendered body as situated in an intersubjective historical field.

In *Visible Identities*, for instance, she stakes out a phenomenological position in favor of the epistemic relevance of racial and gender identities. She observes that because race and gender are marked on the body and operate through a “visual register,” they cannot simply be disowned or transformed through discourse. According to Alcoff, race and gender operate as a “hermeneutical horizon” from which we form knowledge about ourselves, other people, and the world we inhabit. While Judith Butler maintains that sex is a social but not an ontological category, Alcoff seeks to reconcile the social and the ontological. For Alcoff, there is no pure ontological space outside of

sociality and history, so we cannot say sex and gender have no ontological significance because they are socially constituted.

Alcoff's method is unique. Many third-wave feminists reject philosophies that embrace (rather than problematize) differences between men and women out of a concern that the identification of sexual difference is a dangerous strategy for feminism because masculine/feminine differences have historically been interpreted along a superiority/inferiority axis. In the article "If Men Could Menstruate," Gloria Steinem describes this phenomenon when she reasons that if men could menstruate and women could not, menstruation would be associated with courage and strength rather than shame and irrationality. She quips that demographic differences in American medical schools would be attributed to the fact that women are especially sensitive to the sight of blood. In similar fashion, I imagine that, if men could have multiple orgasms and women could not, this biological feature would shore up gender stereotypes, for instance, as evidence that men are hardwired for promiscuity and women for monogamy.

The identification of sexual difference, however, is not problematic in and of itself and is sometimes important for feminist projects. In *The Case of the Female Orgasm*, Elisabeth Lloyd argues that male orgasms evolved for reproduction while female orgasms came into being as a developmental byproduct. Lloyd argues that because biologists have been bent on establishing female orgasm as an imperative of reproduction and evolution, they have incorrectly assumed that one can understand the female orgasm by understanding the male orgasm.

The evolutionary and biological specificity of the female orgasm helps explain why women do not have orgasms during sexual intercourse as often as men but are capable of orgasming as much, or more often, with "alternative" forms of stimulation. Indeed, research on what is often called "the orgasm gap" reveals that women orgasm less often than men during sex, lesbian women

orgasm more often than straight women, and women orgasm more often when masturbating than with a male partner (Mintz, 2017).

Heterosexual women may not orgasm as often as men because, in American culture, sex is very closely linked with intercourse. For instance, as explored in the documentary *This Film Is Not Yet Rated*, heteronormative sexuality is reinforced in American cinema through rating systems. The Motion Picture Association of America (MPAA) is more likely to assign a film an NC-17 (No Children Under 17) rating if it contains representations of sexual acts deemed inappropriate for children (read: non-heteronormative). Directors dread receiving an NC-17 because it means their film will have limited release and not be shown in theaters. While normative heterosexual interaction and intercourse (especially heterosexual missionary-style sex) are often depicted in PG-13 movies, restrictive ratings are routinely assigned to depictions of non-reproductive sexual practices like oral sex and the use of sex toys.

Lloyd's study offers a vehicle through which to critique the assumption that attentiveness to biological sex difference is tantamount to sexism or essentialism. For Lloyd, our understanding of sexuality is distorted, not by assigning distinct sexual characteristics to men and women, but by disregarding female biological specificity and implicitly coding it as masculine. In the case of the female orgasm, attending to the specificity of sex difference does not reify sexuality; in fact, it renders the notion of sex-as-intercourse problematic. While the identification of sexual difference is liable to reinforce gender stereotypes that privilege masculinity, universalizing discourses that eclipse gender specificity are liable to perpetuate androcentrism. Phenomenology is helpful here because it reminds us that while it is important not to reify culturally specific meanings associated with the sexed body through uncritical acceptance of biological discourses, it is also important not to adopt an anti-essentialist ethos from which all attentiveness to biological specificity becomes

suspect. The problem for feminists is not to resist the identification of sexually-specific features of embodiment but the hegemonic discourses that absorb them.

Using phenomenology and post-structuralism together, we can attend to the link between embodiment, knowledge, and identity, wherein discourses shape possibilities for embodied subjectivity as the materiality of the body reciprocally shapes possibilities for subject positions and knowledge formations. In Sara Heinämaa's formulation of feminist phenomenology, "[S]exual identities are not constituted on the top of physical bodies or in addition to them but are formed together with our sensing living bodies. And in so far as the sensing, moving body takes part in the constitution of spatiality and spatial objectivity, also the sexual duality of embodiment may have constitutive significance" (149). In other words, the body is not ontologically distinct from the lived experiences out of which it is constituted.

Phenomenology helps explain why experiences of sexual violation are too diverse to be reduced to simple formulations but are not so diverse that there is no way to capture their specificity within discourse. Sexual violation is visited upon a subject situated in space and time; thus, generic, abstract and universal representations of sexual violation will miss the mark. At the same time, the materiality of the body puts a check on how distinct experiences can be (Cahill). In other words, the body gives rise to discursive diversity but also delimits our scope of interpretations. As Beauvoir specified, "the body is not a thing, it is a situation: it is our grasp on the world and our sketch of our project" (24). Although we are embedded in different socio-cultural situations and operate against the backdrop of different individual histories, we are not so radically different that communication between subjects and adjudication of diverse experiential claims becomes impossible. To be embodied is to be perceiving the world from a unique position but it is also to be experiencing the world from a body and a subjectivity.

As Ann Cahill argues in *Rethinking Rape*, we cannot cast rape in generic terms because of the phenomenological differences between social identities. Rape may incur different harms on differently situated subjects. When a man rapes a woman, or when a white person rapes a person of color, the act carries specific significance pertaining to the history of sexism or racism. In each case, the victim may experience the harm as part of a long history and social structure of inequality (115-16). If a woman rapes another woman, the act would not carry this meaning; however, the victim may have difficulty cognizing or speaking about the event because rape is so closely linked to phallogentric heterosexuality in American discourse. Male-on-male rape is afforded more cultural intelligibility because it can involve penetration; however, male victims are vulnerable to specific harms because gay male sexual relations are exceptionally stigmatized. The point is not to construct a hierarchy of rape experiences, but to remain attentive to the ways in which different social positions produces different possibilities for experience and resistance. Thus, it is critical that the significance of the body, intersubjectivity and lived experience is not lost, especially in unpacking corporeal experiences like sexual violation.

PART TWO: CONFSSIONAL DISCOURSE

In this section, I examine and assess the role of legal, therapeutic, and media institutions in facilitating the confessional discourse of survivors.

Legal

For Foucault, sexuality is a “dense transfer point for relations of power” or a particularly prolific source of power-knowledge in modern societies; thus, bringing sexuality into the realm of discourse in a hierarchically ordered environment is “dangerous” because of its likely integration into hegemonic systems of knowledge. In the West, we may observe that beliefs about sexuality

have played a pivotal role in the fortification of unjust power relations: men over women; heterosexual over non-heterosexual; white over nonwhite; the colony over the colonized; the state over its citizenry, justifying, for instance, the sexual subordination of women by men; the pathologization of non-hetero-normative forms of sexuality; the elimination of nonwhite bodies through eugenics, forced sterilization, and lynching (as protections for the white race from degeneration through miscegenation); disciplining “savage” sexuality through colonialist practices; and so on.

The law has played a historic role in legitimating the knowledges that have supported these hierarchies,⁶ and progressive changes to the legal system are often enacted after long processes of political struggle. Yet, legal discourse plays a *central* symbolic role in popular discourses of truth and justice, and Foucault would caution that this symbolic function is not random. It exists precisely to justify—and minimize potential revolt against—the large amount of power it wields. For our purposes, it is important to recognize that the dissemination of legal discourse into the popular sphere has largely shaped the way people talk and think about sexual violation and possibilities of resistance. Too often, for instance, the media represents sexual violation by staging spectacles that revolve around the indictment of specific perpetrators depicted as uniquely guilty and deviant, rather than engaging in dialogue about the social and political factors that structure these events. Since legalistic representations are so prominent within this discourse, we need to ask whether or not it is appropriately suited to the needs of survivors.

The answer depends on what our goals are. If we want to understand the nature of the problem and transform the structures and norms that underlie gender inequality and pervasive sexual violations, then probably not. One must accept that legal institutions exist to regulate society

⁶ See Angela Davis, Patricia Williams, Dean Spade.

or to maintain stability and prevent disruption. Foucault would say: The law manufactures forms of truth that facilitate the administration of large heterogeneous populations and are precisely *not* in the business of social and political transformations. He would further counsel that legal discourse is epistemologically limited regarding social justice issues because it is grounded in an anachronistic but socially accessible and politically convenient notion of power as strictly repressive and distinct from knowledge.

Basic reflection on courtroom dynamics, the scene around which legal discourse revolves, indicates there is some uncontroversial accuracy in Foucault's claim that legal discourse is incompatible with an epistemologically sophisticated understanding of truth and power. Due to the structural constraints of the courtroom, legal deliberation tends to rely on binary structures and normative heuristic devices, pitting clarity over complexity. True and false speech exists in an adversary relation as speech acts are legitimated or disqualified based on their proximity to rationality, neutrality, and objectivity. However, as we have seen, sexual experiences and systemic injustices (such as society-wide occurrences of sexual violation) are made possible by a constellation of social, historical, and political factors. In court, such considerations are dealt with in a highly circumscribed and abstracted way. The point of a lawsuit is to establish the guilt and innocence of individual actors. In this setting, larger contextual and theoretical considerations are likely to be treated as diverting attention away from the task at hand. This is one of the reasons why, in courtrooms, irrelevant criteria for determining culpability, such as one's mode of dress and speech, take on enormous significance; to convey information in a limited amount of time to jury members with diverse backgrounds, it is strategic to accommodate, rather than challenge, popular assumptions and common prejudices and stereotypes. In "Trans Law Reform Strategies, Co-Optation, and the Potential for Transformative Change," legal scholar Dean Spade argues that whether or not a marginalized subject receives justice in court depends largely on his or her ability

to convey respectability as the “perfect plaintiff,” a figure modeled on exclusionary normativity (298). In hearings on sexual violation, female victims may have to present themselves as sexually conservative to convey innocence or appeal to traditional ideas about feminine purity to demonstrate harm.⁷

In *Aftermath*, Dartmouth philosophy professor Susan Brison details the two-and-a-half-years she spent indicting a man who raped and almost killed her. She explains how speaking in a legal context negatively influenced her capacity to cope with and theorize her experience. She claims, “Our conventions of justice require that a witness be viewed as presenting something as close to a snapshot as possible—a story unmediated and unchanging—from the perspective of a detached objective observer” (109).

At the culmination of the trial, Brison reports:

Now I could get reprieve from the heightened lucidity that had led me to memorize my assailant’s face during the attack, when my life had depended on reading every gesture, hearing every noise, taking everything down, storing it all away... Now I could finally let down my guard, get fuzzy about particulars, leave at least some horror behind, consign it to wherever they’d taken my clothes, my shoes, my belt, the fingernail scrapings, the hairs, the swabs, the leaves, the twigs, the mud, my blood. Now I could, in a sense, forget what had happened to me. *Now I could afford to think about it* (emphasis mine; *ibid*).

In this passage, Brison suggests that the key to “thinking about” her experience lies not in its confessional or objective aspects, but in the more subjective and critical work that surrounds it.

⁷ Fortunately, as the result of longstanding feminist struggle, rape shield laws have been enacted in all US states. These laws prohibit the use of evidence or questioning about a victim’s past sexual behavior. Unfortunately, there are limitations and exceptions to these laws. For instance, in many cases, rape shield laws do not apply to sex workers. And even if members of arbitration do not have access to a plaintiff’s sexual history, this does not prevent them from relying on stereotypical inference to arrive at judgments, based on, for instance, one’s race, marital status, income level, or mode of dress.

She writes, “There is something deadening about the requirement for truth [in the legal arena]” (ibid). During trial, her intellectual energy was devoted to capturing, recording, memorizing, accumulating evidence, and gaining mastery over her knowledge of physical objects and clear-cut facts. During this time, she was unable to focus on forms of interrogation and interpretation that penetrated beneath the surface of the event, as this would have conflicted with what was required for a legal presentation of truth. Brison is not suggesting that material evidence and objective facts are inherently meaningless. She is conveying the idea that to generate meaning out of these things in a way that is conducive for self-development she needs a less formal and circumscribed discursive environment, in which she can drop her script, “let down [her] guard, get fuzzy about particulars” (110).

Brison’s training as a philosopher enabled her to disengage from a legalistic form of self-relation at the end of litigation and adopt a critical attitude moving forward. She was able to do this because, as a philosopher, she had access to critical resources not available to most people. Not all of us can be philosophy professors, but we can all become a little more philosophical about our experiences, particularly in response to confessional incitements to speak about them. It is important then not to allow the legal style of discourse—with its confessional structures and formal reliance on matter-of-fact, consistent, and non-ideological truth—to determine the tone of discussions about sexual violation outside the legal domain.

This is also important for practical reasons. Too often, the antagonistic energy of survivors is directed entirely toward the prosecution of individual offenders rather than the systems of domination that make sexual violation a society-wide problem in the first place. In addition, prosecution rates for sexual violation offenses are very low. Susan Brison’s experience with the legal system was of a particular sort. As a white university professor, Brison was successfully able to present herself as a respectable plaintiff, and her perpetrator was a stranger, the attack took place

outdoors, it was violent, and plenty of evidence was left behind. These elements came together to secure a successful conviction. In reality, however, most transgressions occur in private and without significant tangible evidence of abuse. Consequently, the “innocent until proven guilty” model of the American justice system operates in asymmetrical fashion with crimes of sexual violation, giving the benefit of the doubt to the perpetrator while denying it to the victim.

Due to this standard paucity of physical evidence, a victim’s testimonial account of her experience often serves as an important indication that a crime did in fact occur. As Susan Ehrlich argues in *Representing Rape*, “language is central to all legal settings—specifically sexual harassment and acquaintance rape hearings where linguistic descriptions of the events are often the only type of evidence available. Language does not simply reflect but helps to construct the character of the people and events under investigation” (abstract). Taking into consideration the legal importance of victim testimony and the long historical tradition of the epistemological distrust of women⁸ and rape victims in particular, it is understandable that emphasizing the straightforward veracity of survivors’ experiential claims has become a major political imperative for activists. An unintended consequence of this strategy may have involved placing victims in a position to confess or assert true facts about themselves, rather than take an active role in the creative process of interpretation and knowledge formation.

Clinical

In therapy, the speech of victims is less constrained than it is in the courtroom, and

⁸ [The female] is more shameless and false, more readily deceived,” says Aristotle (231); “The difference between man and woman is like that between animal and plant,” says Hegel (§166); “Just as it is not woman's role to go to war, so she cannot personally defend her rights and engage in civil affairs for herself, but only through a representative,” says Kant (80); “One need only look at a woman’s shape to discover that she is not intended for either too much mental or too much physical work,” says Schopenhauer (104); “When a woman turns to scholarship there is usually something wrong with her sexuality,” says Nietzsche (69); and so on.

counselors often play an important role in helping victims find useful words and concepts to convey and make sense of their experiences. However, patient-therapist interactions involve a distinct set of challenges that deserve critical attention. In a clinical context, the subject's relation to herself is mediated by an authority figure with expert knowledge who receives information about her private thoughts, feelings and actions, and responds to them by evaluating or judging what she says, perhaps integrating her words into official discourse and using them as data points for the development of knowledge. In this relation, the subject is in a position of dependence and is at risk of adopting a passive and normalizing self-relation by deferring to the therapist to arrive at truths about herself. Consequently, what might appear as consolation, collaboration, or cure through this interaction might actually be subordination, assimilation to norms, or the reification of identity. In Foucault's words:

The confession is a ritual of discourse in which the speaking subject is also the subject of the statement and it is also a ritual of power manifested by the presence of another. The other becomes the authority who requires the confession in order to arbitrate upon it...The dominant agency does not reside within the constraint of the person who speaks but rather within the one who listens and says nothing; neither does it reside within the one who knows and answers but within the one who questions and is not supposed to know. The discourse of truth takes effect finally however, from the one from whom it was wrested and not from the one who receives it (*Sexuality One*, 62).

In *Madness and Civilization*, *Discipline and Punish*, *Sexuality One* and *Abnormal: Lectures at the Collège de France 1974-1975*, Foucault investigates the power structures at play within psychiatric and medical methodologies and procedures. Foucault expresses concern that within dominant

clinical domains of knowledge,⁹ the psyche is routinely posed as universal and ahistorical while the clinical establishment is often represented as the terminal point in a teleological history of specialized knowledge production, setting up a hierarchy between clinician and patient. While the therapist is able to comment upon and judge the patient's thoughts and behaviors using specialized discourse, the patient likely does not have access to the specialized knowledge of the therapist. In other words, like legal operations, clinical interactions revolve around the confessional practices of subjects, and like the legal system, which presumes an objective transparency about facts, medical and therapeutic institutions rely on the language of science: analysis, classification, and diagnosis, which can be difficult to counteract or criticize, especially by patients lacking social capital. As Foucault reminds us, these institutions are not neutral, nor did they emerge *ex nihilo*; they developed through a history of socio-economic and administrative imperatives bound up with hegemonic practices.¹⁰

Foucault's genealogies of madness and abnormality suggest that there has been a long history in the West of disciplining outcasts and nonconformers, such as promiscuous women, defiant wives, irreligious persons, unindustrious citizens, homosexuals, "hermaphrodites," and others, through pathologizing discourses we now consider absurd. Foucault's mode of historical reflection reminds us that it is important to engage with institutional authority and knowledge from a critical position, which might involve speculating on how other people in other historical or cultural situations (past, present, or future) might view contemporary American therapeutic practices as strange or unjust.

⁹ I am referring here, and in this essay generally, to the economically flourishing and highly accessible branches of therapy: clinical psychology, and psychiatry. I recognize that these fields of knowledge are far from monolithic. For instance, critical psychiatry, narrative therapy, experimental psychology, social psychology, to name a few, do not pertain to this designation.

¹⁰ For an interesting look into Foucault's genealogy of the field of psychology, see *Madness and Civilization*.

In *The Cultural Scaffolding of Rape*, Nicola Gavey uses a similar strategy to compare the anti-sexual violation practices of second-wave feminism with contemporary popular institutional/liberal feminism. She suggests that when sexual violation was first becoming visible as a problem in America during the civil rights era, survivors often experienced sexual violation in a politically charged way. She laments that the militant second-wave feminist approach to combating sexual violation, which sought to collectively transform society through activism, has been replaced by an institutionalized apparatus aimed at self-directed reparation and rehabilitation. Gavey's analysis implies that medico-therapeutic treatment is an important component of *responding to* distinct events of sexual violation but is insufficiently *preventative* and political. The primary purpose of therapy is to help survivors recover and return to normal social functioning rather than to facilitate political action or critical thought; yet, the clinical domain plays a *fundamental* role in providing victims of sexual violation with opportunities to make sense of their experiences. This is perhaps because within a society bent on productivity, the objective of "cure" means getting back to business as usual.

Gavey proposes a "critical psychological" alternative to offset the individualizing impulse of traditional clinical therapeutic techniques. On this interdisciplinary approach, clinical methodologies intersect with social psychology research and critical theory. Gavey uses this method to argue that Western norms of heterosexuality construct a gray zone between heterosex and rape. She has in mind three particular norms: the sexual imperative, the trope of the passive female sexual subject, and the ever-active and sexually insatiable man. Thus, what sometimes appears as rape might look like normal heterosexual interaction and vice versa. To get a sense of Gavey's insight, consider the following scene from *The Notebook* (2004), one of the highest-grossing romance films of all time.

Two white heterosexual teenage Americans, Allie and Noah, begin having intercourse for the first time. Allie (the female participant) interrupts the act with the following statements: “I know I said I wanted you to make love to me, but I think you are going to have to talk me through this; I’m just ... I’m just having a lot of thoughts... I’m just.... I’m just having a lot of...nevermind”; “Like what are you thinking about right this second?”; “Did you know this was going to happen when you took me here?” “You did, well what did you think?”; “I’m talking too much aren’t I? I’m just going to shut up. Mother’s word.” The only words spoken by Noah (the male participant) during this dialogue are: “Did I hurt you?” “I guess so” and “Are you okay?” She answers the latter with a frantic: “Ya uh huh”.

After each one of Allie’s interjections, Noah attempts to have sex with her. It is only after Noah eventually tells Allie that he loves her that her anxiety dissipates, and she resolves to have sex with him. If she had not interrupted him *for the sixth time*, prompting him to declare his love to her, it might have appeared that an act of sexual violation, or at least unjust sex, was taking place, particularly to an outsider unaware of the ninety-minute lead-up casting Noah as a romantic hero. Allie is young and clearly depicted as initially experiencing the event in a state of hesitation and discomfort, and Noah appears to be generally unperturbed by this fact, focused instead on the task at hand.

This film is marketed toward female viewers, and this scene is meant to convey heterosexual romance, not injustice. Allie’s feminine behavior—her sexual apprehension and emotional ambivalence—operate to construct Noah’s hetero-normative masculine appeal by magnifying his confidence, resolve, and emotional fortitude. We might say that the two characters are simply conforming to patriarchal norms in this scene, but such an explanation does not quite capture the complex dynamics of desire, pleasure, power, and subjectivity that render this depiction enticing to female audiences.

These complexities help shed light on Gavey's claim that in many cases the rape/non-rape binary is not a good frame of reference to make sense of the ethical nature of sexual interactions. Her work suggests that feminist slogans such as "rape is rape" and "no means no" may be useful for overcoming crude forms of denial and dismissal, as well as to describe clear-cut events—such as violent rapes and the sexual abuse of children—but it may also promote a confessional technology of the self by obliging subjects to transmit their experiences in accordance with paradigms of truth that are straightforward rather than political, complicated, or critical. In addition, these slogans may operate in ways that obscure rather than illuminate the complicated dynamics of gender, power, and sexuality at play in experiences of sexual violation.

According to Gavey's research, many people report feeling uncertain about whether or not an undesirable sexual experience constitutes violation and the answer may not be as obvious as some progressives think. For example, in the section of her book entitled "Consenting To (Avoid) Rape," she recounts the narratives of women who do not say *no* during non-benign sexual encounters out of fear that if they do, and the man proceeds anyway, they will have to consider themselves "rape victims," a psychologically-loaded label that connotes trauma (181). In other cases, she finds that women engage in non-benign sex because they believe that healthy normal people frequently have sex (Gavey calls this the "coital imperative"), sometimes conforming to contemporary (transgressive?) feminist norms about being sexually liberated and adventurous (124). In other cases, women decide to go along with unwanted sex because they worry about disappointing their sexual partner or making him feel "pathetic" because social norms over-emphasize the importance of sexuality for masculine satisfaction (153). These findings complicate accounts of unwanted or non-benign sex as either rape or unacknowledged rape or "just sex." Gavey wonders why there is not more cultural interest in less-than-ideal sex since this is something

women report experiencing much more often than men. Perhaps one reason is that psychological experiences are not sufficiently politicized in our culture.

In *Rape and Resistance*, Linda Alcoff responds to these challenges by arguing that sometimes it may be useful to adopt an attitude of discursive relativism toward narratives of sexual violation. She posits that adopting a critical stance about our experiences may be useful for victims whose narratives do not easily map onto intelligible schemas of rape and sexual abuse. Alcoff counters the idea that if victims convey indeterminacy or ambiguity about an undesirable sexual encounter, they are either in denial or confused. Hesitancy over how to describe our experiences may be due to sexism, stigma, or shame, she argues, but it may also emerge from a carefully considered critical attitude. Indeterminacy might mean only that subjects have not yet decided upon the meaning of their experiences, and these feelings of uncertainty may act as an impetus for critical reflection. Ambiguity sometimes encourages us to engage in more complex ways with our experiences, to hesitate before jumping to conclusions, and maybe to seek explanations outside of conventional venues. Discursive relativism has the virtue of counteracting confessional techniques by avoiding positivistic norms of truth about experience. In addition, discursive relativism may encourage us to listen more compassionately to others' experiences even when they conflict with our own, unfolding possibilities for collaborative and relational, rather than individualistic, technologies of the self.

In Victor Frankl's memoir *Man's Search for Meaning*, he recounts his experiences living in a Nazi concentration camp during World War II, during which time, he developed an existential psychotherapeutic method known as logotherapy. Logotherapy is based on the idea that the most fundamental human freedom is the ability to find meaning in one's experiences, especially experiences of suffering. In the Anglo-American tradition, suffering is often perceived as contributing to (rather than diminishing) one's agency and capacity to know, as captured in

Nietzsche's famous maxim, "whatever doesn't kill you makes you stronger." But this conception has traditionally been bound up with masculinity, able-bodiedness, and whiteness. One is not readily imagined to be epistemologically privileged for example, as a result of rape, disability, racism, or colonization. The substantive and creative experience of suffering is rarely associated with those on the underside of power. I am attracted to Frankl's narrative because, unlike the male aristocrats of ancient Athens studied by Foucault, who cultivated a technology of the self through autonomy, Frankl develops a mode of self-relation that circumvents institutional norms through experiences of subordination. In opposition to traditional clinical knowledge, Frankl finds special value in psychological tension. He writes, "[M]an's [sic] search for meaning may arouse inner tension rather than inner equilibrium. However, precisely such tension is an indispensable prerequisite of mental health" (104). Frankl presents this statement as an existential assertion about the human condition as such, something Foucault would never do. But we might say, harnessing Frankl's insight to a Foucauldian philosophical field, that as long as one lives in a society structured by unjust hierarchy, inner tension is a prerequisite or defending oneself against hegemonic subjectifications.

Within the clinical frame, the experience of sexual violation is something that calls for treatment (a negative procedure of the elimination of tension-inducing symptoms) through the care of a clinician rather than a positive action-based or constructive response driven by a subject's interface with new knowledges. However, while the trope of trauma can fit within a therapeutic context as a symptom that requires healing through clinical treatment or drugs, it could also lend itself to what Frankl calls an existential reinterpretation of the self, or what Foucault calls "a limit experience": a transformative moment which "intervenes" in one's routine mode of being and presents an opportunity for subjects to "re-problematize" themselves and think in a way in which they were previously unable to think. Foucault describes this experience in a way that echoes rape

tropes: as occurring when “our subjective sense of self...is profoundly realigned through an experience of being torn away from the self” (qtd. in O’Leary, 169).

So far, I have argued that when legal and clinical establishments play a *predominant* role in constituting discourses about sexual violation, they become politically and critically neutralizing. Since this is often the case in American discourse, it may be beneficial to form discourses that problematize these institutional norms.

(Social) Media: #metoo

Victims who take to social media to transmit their experiences of sexual violation break social norms about where and how it is appropriate to speak about a topic that has long been considered taboo—relegated to the courtroom or to the therapist’s couch. Unlike in an institutional setting, victim disclosure is not directed toward an authority figure but to a generalized audience, with the explicit intent to draw attention to a social problem and enact political transformation. However, while it is relatively clear in an institutional context that a subject’s relation to herself is vulnerable to the influence of normative power, Foucault suggests that the compulsion to confess, which emerged from institutional imperatives, is now “relayed through so many different points, is so deeply ingrained in us, that we no longer perceive it as an effect that constrains us” (*Sexuality One*, 61). In *Discipline and Punish*, he observes that in societies structured by rigid institutionalized norms, subjects learn to feel scrutinized even when they are not being watched and, thus, develop a subjectivity replete with “corrective” self-processes operating at a nonconscious level. Even when institutions do not act as the direct impetus for, or conduits of, our speech, we need to be mindful of their role in constituting discursive possibilities. And we need to keep in mind that though #metoo has subversive elements, it is in conformity with the way

information is normally conveyed and received in our fast-paced and entertainment-saturated environment.

On social media, such as Twitter and Facebook, in order to be heard, subjects need to be pithy and straightforward because it is not possible to convey nuance in a tweet or post. We should not assume that society-wide interest in #metoo reflects commitment to structural social change because this would involve a willingness to engage seriously with the complexity of what victims say. The narratives of #metoo have political force because they render the scope and severity of sexual violation visible, but this discursive domain is not ideal because it does not enable victims the opportunity to speak about their experiences in elaborate, complicated, or critical ways. This leaves victims particularly susceptible to public denigration.

Conservative commentator Ben Shapiro argues that #metoo illuminates the inevitable sexual inequality between men and women. He maintains that victims are convinced they live in a rape culture because they are not attuned to the real-world (rather than idealized) dynamics of gendered sexual desire. He posits that women take a passive role in sexual interactions because they are naturally attracted to assertive and aggressive men, so what frequently appears as “violation” is actually just a reflection of commonsense sexual preferences.

In a similar vein, in the *New York Magazine* article “#MeToo and the Taboo Topic of Nature,” Andrew Sullivan claims that #metoo serves as a manifestation of the unequivocal biological differences between men and women. He describes the epiphany he experienced after being injected with testosterone (or what he refers to as “literal maleness”) as part of an HIV treatment regime. He writes, “You get a real sense of what being a man is from an experience like that, as the rush of energy, strength, clarity, ambition, drive, impatience and, above all, horniness overcame me.” Sullivan attributes to the hormone “the sheer and immense natural difference between being a man and being a woman.” He calls Foucauldian and feminist social constructivist

theories of experience “stupid” and “untrue,” stating: “I know [widespread sexual aggression] must be a pain in the neck for most women. But it’s who we are.”

Sullivan does not cite scientific data in his article; he simply invokes the specter of science anecdotally to silence victims and advocates. Shapiro arrives at the same conclusion through an analogous strategy, by appealing to the most basic form of empirical positivism about sexual relations. These simplistic methods of carving up these issues are convenient for their libertarian platform because they imply that sexual injustice is inevitable and any attempt to reform it would be futile.

For far-right conservatives like Shapiro and Sullivan, the #metoo movement itself is a problem, and all victim speech over this medium is subject to criticism insofar as it is geared toward social or political restructuring. Liberals, on the other hand, generally support the social and political objectives of #metoo, but instead focus their critical energy on individual rogue cases that appear to jeopardize the integrity of the movement, such as, the scandal between “Grace” and Aziz Ansari.

This scandal broke when a woman known anonymously as “Grace” wrote a blog recounting her less-than-ideal sexual encounter with Ansari. She reported feeling violated while engaging in sex acts with him, not because he disregarded her explicit consent or insinuated himself on her forcefully, but because he displayed what she perceived as a lack of interpersonal decency by not attending to her emotional state and ignoring her mostly nonverbal cues. This event raised a liturgy of criticism against Grace from individuals across the political and ideological spectrum and sparked what has come to be called “the metoo backlash.” In the *New York Times* article, “Aziz Ansari Is Guilty. Of Not Being a Mind Reader,” Bari Weiss opens her discussion of the event by saying:

I'm apparently the victim of sexual assault. And if you're a sexually active woman in the 21st century, chances are that you are, too. That is what I learned from the 'exposé' of Aziz Ansari published last weekend by the feminist website *Babe*—arguably the worst thing that has happened to the #MeToo movement since it began in October. It transforms what ought to be a movement for women's empowerment into an emblem for female helplessness.

Adopting a familiar victim-blaming stance, Weiss accepts that Ansari may have acted selfishly, and yet ridicules Grace anyway for not saying the distinct word “no” sooner, for not leaving the apartment when she began to feel uncomfortable, and for reacting hysterically to an event that ought not to be traumatic. She writes:

I am a proud feminist, and this is what I thought while reading the article: If you are hanging out naked with a man, it's safe to assume he is going to try to have sex with you. If the failure to choose a pinot noir over a pinot grigio offends you, you can leave right then and there. If you don't like the way your date hustles through paying the check, you can say, “I've had a lovely evening and I'm going home now.” If you go home with him and discover he's a terrible kisser, say, “I'm out.” If you start to hook up and don't like the way he smells or the way he talks (or doesn't talk), end it. If he pressures you to do something you don't want to do, use a four-letter word, stand up on your two legs and walk out his door.

Weiss submits that we must draw a sharp distinction between what she calls “awkward sexual encounters” and sexual assault to protect innocent people like Ansari and hold irresponsible people like Grace accountable for their actions.

In *When Does a Watershed Become a Sex Panic?* liberal journalist and rape survivor Masha Gessen advances a similar argument from a different angle. She cautions that an over-generalized understanding of sexual violation is liable to create a “sex panic” and posits that “if we blur the

boundaries between rape, nonviolent sexual coercion, and bad, fumbling, drunken sex. The effect is both to criminalize bad sex and trivialize rape.” Following David Halperin, Foucault scholar and editor of *War on Sex*, Gessen expresses concern that more restrictive sexual norms will increase unjust methods of sexual discipline, particularly related to the practices of sexual minorities. Indeed, it is important that as sexual norms change, we adopt a sophisticated and nuanced attitude toward sexuality that is informed by people with heterogeneous sexual desires and experiences so marginalized subjects are not scapegoated for wider political problems. However, it is important that activists demonstrate concern for both victims of sexual violation and victims of sexual discrimination in equal measure. The oppression of sexual minorities calls for social upheaval just as the society-wide epidemic of sexual violation warrants at least a panic-like response.

Just as we need to be mindful not to confuse the distinctions between “rape, nonviolent sexual coercion, and bad, fumbling, drunken sex,” we also need to be mindful not to overlook the relation between them. Unless one conceives #metoo strictly as a legal tool to indict perpetrators, the suggestion that narratives about undesirable sex are extraneous to the conversation implies that there is no need to construct new sexual norms because sexual violation has nothing to do with sexuality.

Following Linda Alcoff, I have opted in this essay to use the term *sexual violation* instead of *rape* because it conveys both the sexual and the unjust connotations of the phrase and allows for a spectrum of experiences to be represented. I decided against the term *sexual violence* because it obscures the fact that many instances of sexual offense are perpetrated using manipulation and abuse of power, rather than direct physical force. If we swap the term “rape” for “sexual violation” in Gessen’s statement, it reads differently. It is not clear that we can mark, in advance, distinctions between “sexual violation, nonviolent sexual coercion, and bad, fumbling, drunken sex.” As feminist scholars have extensively argued, the presence or absence of consent to sexual practices

does not settle the matter of whether an act of injustice took place (see Pateman). Sometimes violation involves the explicit consent of the victim or the appearance of willfulness, such as when one is pressured into sex by a person in a position of authority, such as a parent, boss, professor, police officer, trafficker or prison guard. In our entertainment-directed culture, however, sexual transgression is often depicted cinematically, as an act of violence perpetrated by a stranger. In reality, sexual violation occurs more frequently in an intimate context, committed by an acquaintance, friend, coworker, family member or partner, and usually does not involve the direct use of force (National Sexual Violence Resource Center, 2013). Coming to terms with these events requires insight into the interpersonal dynamics at play, particularly as they are molded by gender inequality and normative heterosexuality, phenomena that are far from obvious or uncontroversial.

It is relatively easy to see that Shapiro and Sullivan attempt to co-opt the subversive potential of #metoo and disempower victims by disqualifying socio-critical analysis through the essentialization of sex and gender. However, liberal and feminist commentators, such as Weiss and Gessen, disempower victims as well by downplaying the significance of gender norms in structuring sexual behavior to further an anti-essentialist or feminist emancipatory agenda. In both cases, the task of investigation into the background conditions that structure sexual relations is sidelined.

Weiss's reproach of Grace and Gessen's concern about a sex panic are expressive of the popular idea that victims ought not to give voice to unpleasant sexual behavior unless the accused is culpable of some crime or some predetermined and agreed upon delineation of what true violation looks like. These positions are understandable because the condemnation of the accused over #metoo has often been swift and severe, the stuff of media flurry, but as we have seen, many sexual encounters that do not constitute legally actionable behavior are unjust and deserve critical scrutiny nevertheless. We see then that discussions about ambiguous cases of sexual violation do

become problematic within the medium of #metoo, but this does not entail the claim that this speech is in itself problematic. Thus, we need to establish discursive spaces to continue the conversation that was started by #metoo—ones that are not so thoroughly implicated in media-scandal culture. The highly visible derision leveled against individuals like Grace over popular media may discourage others from exploring or giving voice to their experiences within or beyond the #metoo platform, especially if these experiences are not clear-cut or do not conform to widely recognized norms regarding what constitutes violation.

In *Epistemic Injustice: Power and Ethics of Knowing*, Miranda Fricker describes “hermeneutic injustice” as occurring when an agent’s experiences are socially unintelligible as a result of her, or her identity group’s, exclusion from meaning-making communities or activities. Fricker provides the example of a woman who endures sexual harassment before feminists developed a word and definition for it (149-150). In this circumstance, she may not be able to get clear on exactly what happened, even in her own mind, because she is unable to map her experience onto a culturally legible concept, let alone receive recognition from others, critique the social environment that produced the harm, or demand reparation from her perpetrator. Fricker distinguishes this concept from testimonial discrimination or prejudice, the form of injustice that occurs when someone’s words are not taken seriously because they belong to a certain identity group, such as women or African Americans. While the problem of testimonial injustice is relatively well understood and represented within the public sphere, the concept of hermeneutical injustice is much more obscure and probably more difficult to tackle.

Although she did not use the term, hermeneutic injustice was also explored in Gyatri Spivak’s classic 1988 essay “Can the Subaltern Speak?” wherein she argues that due to the hegemony of particular discourses, disempowered persons in the global South cannot be accurately heard or seen within Western human rights discourse or political practice. She cautions that any

attempt to represent the “authentic speech” of the subaltern subject entails a form of discursive colonialism.

Foucault also recognized the hermeneutic challenges associated with the speech of disempowered groups, but he was more optimistic about the potential of this speech to disrupt dominant narratives. He claimed that because “subjugated knowledges” or “unintelligible,” “low-ranking,” “unqualified,” or “directly disqualified” perspectives cannot be assimilated into dominant systems of knowledge, they provide particular import for the critique of social conventions. He thought that through this “differential knowledge,” which is “incapable of unanimity and owes its force solely to the harshness with which it is opposed by everything surrounding it—that criticism performs its work” (*Power/Knowledge*, 82). Elsewhere, Foucault enunciates his ideal version of critical theory as an act that would “multiply, not judgments, but signs of existence” (*Ethics, Subjectivity, and Truth*, 323). Foucault’s words are suggestive of the idea that as speakers and listeners, we need to take care to discern the feelings, experiences, and explanations that may be silenced by the verbosity of the dominant discourse. This does not imply that we ought to accept all incoherent or counter-intuitive speech as valid or true, but it does mean that we need to resist the construction of discourses that privilege and prioritize normative, readily-intelligible speech.

Unlike Spivak, Foucault does not confront the problem of translation from one dialect to another, which poses all sorts of problems with representation, specifically between disparate cultures. But on the topic of sexual violation within American discourse, it seems to me that Foucault is correct to suggest that the representation of marginalized voices can be conducive to critical and political transformations given the right discursive conditions.

According to the “Feminist Perspectives on Rape” (2017) page by the *Stanford Encyclopedia of Philosophy*, “virtually all feminist thinking about rape shares several underlying themes. First among these is feminists’ emphasis on ‘breaking the silence’ around rape.” Because

silence or the inability to speak has long been associated with the disempowerment of rape victims, we need to avoid thinking that the recent hyper-production of speech on this topic indicates a political reversal. Foucault argues that because public discourse about sex and power revolves around the “repressive hypothesis,” the act of simply speaking about sexuality may deceptively appear as inherently subversive. He writes, “If sex is repressed, that is, condemned to prohibition, nonexistence, and silence, then the mere fact that one is speaking about it has the appearance of a deliberate transgression” (*Sexuality One*, 6). As we have seen, Foucault thinks a critical account of sexual discourse needs to “account for the fact that it is spoken about, discover who does the speaking, the positions and viewpoints from which they speak, the institutions which prompt people to speak about it and which store and distribute the things that are said” (11).

In “Deconstructive Strategies and the Movement against Sexual Violence,” Heberle writes, “the immediate call in response to increased levels of [sexual] violence [has been] for more speech” because “the stories provide testimony to the reality of rape culture.” The notion that more speech will produce more justice emerges “out of the conviction that once society understands the truth about itself, it will transform its terms of existence.” However, despite increases in “exposure, discussion, and moral condemnation of sexual violence...increased punitive measures... [and] increased willingness to intervene into the ‘private’ sphere” there has been no decline in reports of sexual violations (64).

In his critique of “racial liberalism,” Charles Mills points out a similar phenomenon regarding race. He argues that in modern Western societies, there has always been a disconnect between the way liberalism is theorized and represented and the way it is operationalized. For instance, liberal ideals about universal basic equality and inalienable human rights have reigned alongside pervasive racial inequality, race-based violence, and white hypocrisy:

Native American expropriation, African slavery, residential and educational

segregation, large differentials in income and huge differentials in wealth, nonwhite underrepresentation in high-prestige occupations and overrepresentation in the prison system, contested national narratives and cultural representations, widespread white evasion and bad faith on issues of their racial privilege, and a corresponding hostile white backlash against (what remains of) those mild corrective measures already implemented (180).

Foucault might suggest making sense of this dilemma by approaching the study of discourse at the “level of strategic intelligibility” by analyzing the “functioning” rather than the “content” of speech acts in order to make it possible to interrogate “the position mechanisms insofar as they produce knowledge, multiply discourse, induce pleasure, and generate power” and to discern “the conditions of their emergence and operation” (*Society Must be Defended*, 73). When assessing the value of #metoo discourse for victims then, we need to ask:

- Does #metoo act as a catalyst for in-depth conversations about sexual violation, or does it collapse complex conversations to a faddish catchphrase?
- Does this speech generate unease among a public complicit in rape culture, or does it cater to the demands of a voyeuristic audience eager for narratives of sexual violation in 280 characters or less?
- Does the inclusiveness and generality of this hashtag encourage diversification and democratization of speech or does it reproduce patterns of censorship and exclusions?
- Does this discourse directly mobilize victims themselves and sanction them as experts over their own experiences, or does it authorize specialists and/or commentators to take the lead in interpretation?

- Do the knowledges produced out of this medium interrupt the framework of assumptions that drive the epidemic of sexual violation, or do they feed into the very system of ideas that victims have a stake in dismantling?

CONCLUSION

I have argued that by creating alternative discourses that resist institutional norms of veridiction, victims of sexual violation may discover more political and critical ways to articulate their experiences. Specifically, I have recommended tipping the scale from a confessional to a critical politics of truth. Before concluding, I want to consider the salient objection that this critical attitude is aesthetically desirable but not practically or strategically feasible. One could say in opposition to my claims that the movement against sexual violation needs confessional discourses—unifying narratives that convey straightforward information—because this is what is needed to arouse public awareness, minimize confusion, and enact swift policy change.

First, to clarify: I have proposed forming discourses that do not adhere to institutional norms, not displacing extant institutional discourses that serve important social functions. My contention is not that we should oppose legal discourse in the courtroom, but that legal norms should not be used to police discourses that emerge outside of the courtroom. One hundred years ago, “marital rape” and “workplace sexual harassment” were not intelligible legal concepts. These terms emerged through complex social interactions and political struggles that challenged established ways of talking and thinking about sexual violation. It is sometimes necessary to form discourses outside of established domains, not to up-end them, but to enrich them and make them more effective.

Second, confessional discourses often create confusion about injustices, rather than clarify problems or foster solidarity. The #metoo backlash is occurring, in part, because when we try to

make sense of what the mass of #metoo narratives amounts to, we do not arrive at easy answers. There is a large amount of contradiction, ambivalence, and incongruence in victim speech, and this seems to contradict the premise of #metoo that we ought to listen to victims and take their claims seriously. The notion that inconsistency and disparity imply disingenuousness seems valid when we adopt a confessional understanding of experience, but when we take a more critical approach and consider that experiences of sexual violations differ from person-to-person depending on personal history and socio-cultural background, this variation appears less problematic.

If we accept that power is polymorphous and co-constitutive with knowledge, generic discourses and static resistance strategies risk losing political force and relevance. Critical speech is promising insofar as it helps us form knowledge accurately and respond to political problems efficiently. I concede, however, that criticism and subversion become problematic if they disable the possibility of common understanding, which is a prerequisite for meaningful social and political action. My position calls for more discursive leeway, not endless critique and skepticism, to pave the way for a constellation, not a cacophony, of voices. I have emphasized the importance of critical speech in this essay in light of confessional institutional trends, but I counsel against idealizing criticism as an inherent good or posing absolute relativism as an end goal.

If we want to formulate a truly new and different response to the intractable and longstanding problem of widespread sexual violations, we need to understand why—not simply how—sexual violations occur, and to develop a comprehensive and sustainable solution from this understanding—rather than pursue a quick-fix strategy or simply identify methods to manage the problem. In this endeavor, it will be necessary to both resist the universalization of institutionalized discourses and avoid idealizing an absolute relativism about experience. This will surely involve scrutinizing mechanisms of speech production, resisting the depoliticizing effects of institutional discourse, and carving out for ourselves new spaces for self-expression and social transformation.

The task of producing counterhegemonic knowledge is always a precarious one, but I believe it is possible to navigate systems of power while avoiding structures of domination. In the New York Times interview, “She Founded Me Too. Now She Wants to Move Past the Trauma,” (2018) Tanara Burke details her plans to develop a new website that would showcase survivors’ stories of healing and provide survivors with therapeutic and political resources. According to Burke, the website would focus on healing because “we don’t believe in collecting stories of people’s trauma...I don’t think the trauma should be curated. We believe in sharing peoples’ stories of healing. When you start talking about what you’ve done to cope and how you have developed practices around healing, that’s something that people need to see.” Burke emphasizes that she wants survivors to know, “You don’t have to tell your story publicly. You don’t have to tell anybody what happened to you.” Burke’s strategy is interesting because typically, discourses about sexual violation emerge from confessional moments that center on acts of harm. Of course, there is nothing wrong with disclosing or detailing harmful and traumatic events; however, it is important to create alternatives to systematic imperatives to do so. By creating a space where survivors have the opportunity to forgo the confessional moment and enter into dialogue with one another about experiences of sexual violation through narratives of healing, Burke creates space for discursive innovation.

Although this platform is not yet live, there are several existing movements and organizations against sexual violation that facilitate the speech of victims in interesting and innovative ways. A few examples are: GenerationFIVE, Women of Color Against Violence, Communities Against Rape and Abuse (CARA), The Audre Lorde Project, INCITE! and UBUNTU. These collectives combat sexual violation in ways that do not allow medical, legal, or media objectives to substitute for critical engagement and political action. On that note, I give the volunteers of GenerationFIVE the last word:

Through survivor and bystander leadership development, community prevention and intervention, public action, and cross-movement building, we integrate child sexual abuse prevention into social movements and community organizing targeting family violence, racial and economic oppression, and gender, age-based and cultural discrimination, rather than continuing to perpetuate the isolation of the issue.

BIBLIOGRAPHY

- Alcoff, Linda M. "Dangerous Pleasures: Foucault and the Politics of Pedophilia." *Feminist Interpretations of Foucault*. Pennsylvania State Press, 1996.
- Alcoff, Linda M. *Rape and Resistance*. Polity Press, 2018.
- Antony, Louise. "Different Voices or Perfect Storm: Why are there so few women in philosophy?" *Journal of Social Philosophy* 43.3, 2012, 227-255.
- Aristotle. *Aristotle's History of Animals: In Ten Books V. 4*, Translated by Richard Cresswell. G. Bell, 1878.
- Bartky, Sandra L. *Femininity and Domination: Studies in the phenomenology of oppression*. Psychology Press, 1990.
- Beauvoir, Simone de. *The Second Sex*. Vintage Books, 1989.
- Bourdieu, Pierre. *Homo Academicus*. Stanford University Press, 1988.
- Brison, Susan J. *Aftermath: Violence and the Remaking of a Self*. Princeton University Press, 2002.
- Brownmiller, Susan. *Against our Will: Men, Women, and Rape*. Ballantine Books, 1993.
- Butler, Judith. *Gender Trouble*. Routledge, 2002.
- Cahill, Ann J. "Foucault, Rape, and the Construction of the Feminine Body." *Hypatia* 15.1 2000, 43-63.
- Cahill, Ann J. *Rethinking Rape*. Cornell University Press, 2001.
- Davis, Angela Y. *Are Prisons Obsolete?* Seven Stories Press, 2011.
- Ehrlich, Susan. *Representing Rape: Language and Sexual Consent*. Routledge, 2003.

Engel, Beverly. *The Nice Girl Syndrome: Stop Being Manipulated and Abused—and Start Standing Up for Yourself*. John Wiley & Sons, 2011.

Foucault, Michel. *Abnormal: Lectures at the Collège de France 1974-1975. Vol. 2*, translated by Graham Burchell. Macmillan, 2003.

Foucault, Michel. *Discipline and Punish: The Birth of the Prison*, translated by Alan Sheridan. Vintage, 2012.

Foucault, Michel. *Ethics, Subjectivity, and Truth: Essential Works of Foucault 1954-1984, Volume 1*, edited by Paul Rabinow. The New Press, 1997.

Foucault, Michel. *Madness and Civilization*. Routledge, 2003.

Foucault, Michel. *Power*. 1st ed., edited by James Faubion, translated by Robert Hurley. The New Press, 2001.

Foucault, Michel. *Power/Knowledge: Selected Interviews and other Writings 1972-1977*, edited by Colin Gordon, Pantheon, 1980.

Foucault, Michel. *Society Must Be Defended*, translated by David Macey. Picador, 2003.

Foucault, Michel. *The Foucault Reader*, edited by Paul Rabinow. Pantheon Books, 1984.

Foucault, Michel. *The History of Sexuality Volume 1: The Will to Knowledge*, translated by Robert Hurley. Vintage Books, 1978.

Foucault, Michel. *The History of Sexuality Volume 2: The Use of Pleasure*, translated by Robert Hurley. Vintage Books, 1990.

Foucault, Michel. *The Order of Things*. Routledge, 2005.

Frankl, Viktor E. *Man's Search for Meaning*. Simon and Schuster, 1985.

Gavey, Nicola. *Just Sex? The Cultural Scaffolding of Rape*. Routledge, 2013.

Generation Five. "About Us: Generation Five Mission." Retrieved 1, Oct. 2018 from <http://www.generationfive.org/about-us/>.

Gessen, Masha. "When Does a Watershed Become a Sex Panic?" *The New Yorker*, 17 Nov. 2017.

Harris, Aisha. "She Founded Me Too. Now She Wants to Move Past the Trauma." *The New York Times*, 15 Oct. 2018.

Hawkesworth, Mary E. "Knowers, knowing, known: Feminist theory and claims of truth." *Signs: Journal of Women in Culture and Society* 14.3 (1989): 533-557.

- Heberle, Renée J., "Deconstructive Strategies and the Movement against Sexual Violence." *Hypatia* 11.4, 1996.
- Heberle, Renée J., and Victoria Grace, eds. *Theorizing Sexual Violence*. Routledge, 2009.
- Heinämaa, Sara. "A Phenomenology of Sexual Difference: Types, styles and persons." *Feminist metaphysics*. Springer, Dordrecht, 2011. 131-155.
- Hegel, Georg Wilhelm Friedrich. *The Philosophy of Right*. Hackett Publishing, 2015.
- Henderson, Holly. "Feminism, Foucault, and Rape: A Theory and Politics of Rape Prevention." *Berkeley Journal of Gender Law and Justice*. 2007. 22, 225.
- Kant, Immanuel. *Kant: Anthropology from a Pragmatic Point of View*. Cambridge University Press, 2006.
- Marcus, Sharon. "Fighting Bodies, Fighting Words: A Theory and Politics of Rape Prevention." *Feminists Theorize the Political*. Routledge, 2013. 403-421.
- Mardorossian, Carine M. *Framing the Rape Victim: Gender and Agency Reconsidered*. Rutgers University Press, 2014.
- McGahey, Robert. *The Orphic Moment: Shaman to Poet-thinker in Plato, Nietzsche, and Mallarme*. SUNY Press, 1994.
- McGuire, Danielle L. *At the Dark End of the Street: Black women, rape, and resistance—A new history of the civil rights movement from Rosa Parks to the rise of black power*. Vintage, 2010.
- Mills, Charles W. *The Racial Contract*. Cornell University Press, 2001.
- Mintz, Laurie. "The Orgasm Gap: Facts Behind Male vs Female Orgasm & Sexual Solutions." Retrieved 1, Oct. 2018 from <http://drlauriemintz.com/the-orgasm-gap-facts-behind-male-vs-female-orgasm-and-sexual-solutions/>.
- Medina, José. *The epistemology of resistance: Gender and racial oppression, epistemic injustice, and the social imagination*. Oxford University Press, 2013.
- National Sexual Violence Resource Center. *Sexual Assault Statistics*. 2013.
- Nietzsche, Friedrich. *Nietzsche: Beyond Good and Evil: Prelude to a Philosophy of the Future*. Cambridge University Press, 2002.
- Nin, Anais. "The Diary of Anais Nin, vol. 3 (1939–1944)." Mariner Books, 1971.
- O'Leary, Timothy, and Christopher Falzon, eds. *Foucault and Philosophy*. John Wiley & Sons, 2010.
- Pateman, Carole. *The Sexual Contract*. Stanford University Press, 1988.

- Schopenhauer, Arthur. *Essays of Schopenhauer*. The Floating Press, 2010.
- Shapiro, Ben. Is #MeToo Falling Apart? *The Ben Shapiro Show*, Ep. 454. 16 Jan. 2018.
<https://www.youtube.com/watch?v=6muk4ejcpdA>.
- Spade, Dean. *Normal Life: Administrative Violence, Critical Trans Politics, and the Limits of Law*. Duke University Press, 2015.
- Spivak, Gayatri Chakravorty. "Can the Subaltern Speak?." *Reflections on the History of an Idea* 1988. 21-78.
- Stanford Encyclopedia of Philosophy. "Feminist Perspectives on Rape." 2017.
- Sullivan, Andrew. "#MeToo and the Taboo Topic of Nature." *New York Magazine*, 19 Jan. 2018.
- The Notebook*. Directed by Nick Cassavetes, Walt Disney Pictures, New Line Cinema, 20 May 2004.
- This Film is Not Yet Rated*. Directed by Kirby Dick, IFC Films, 1 Sept. 2006.
- Weiss, Bari. "Aziz Ansari Is Guilty. Of Not Being a Mind Reader." *The New York Times*, 15 Jan. 2018.
- Williams, Patricia J. *The Alchemy of Race and Rights*. Harvard University Press, 1991.
- Young, Iris Marion. *Justice and the Politics of Difference*. Princeton University Press, 2011.